

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRL. REVISION No.2298 OF 2016 (O&M)
DATE OF DECISION : 1st SEPTEMBER, 2016**

Ram Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Ashok Kumar Sama, Advocate for the petitioner.
 Mr. K. S. Sidhu, Deputy Advocate General, Punjab.
 Mr. Ankush Kamboj, Advocate for respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

This is revision petition in which there is challenge to the judgment and order dated 23.02.2016 passed by learned Sub-Divisional Judicial Magistrate, Jalalabad, by which the petitioner was convicted for offence punishable under Section 138 of the Negotiable Instrument Act.

Heard.

Admitted.

Taken up for final disposal with consent of counsel for the contesting parties.

It is not in dispute that the amount of cheque was ₹2,00,000/-. The petitioner has undergone 17 days of sentence. This court had suspended the sentence.

Now the complainant has arrived at compromise with the petitioner-accused pursuant to which an affidavit in the form of compromise is placed at Annexure P-1.

Learned counsel for the complainant Mr. Ankush Kamboj, Advocate makes statement that the complainant has now received the amount of cheque in question and he is not interested in seeing that the petitioner is again pushed in the jail. He, therefore, agrees on instructions from his client that this court may accept the compounding of the offence under question.

Learned State counsel has opposed the petition on the ground that the some costs should be awarded to the State Legal Services Authority as per the judgment of Hon'ble the Supreme Court.

In my opinion, since the parties have arrived at compromise and in order to live in harmony the petitioner has paid the amount under cheque and respondent has no grievance about it, there is no reason why the conviction against the petitioner should be maintained. The ultimate object of the proceedings under Section 138 of the Negotiable Instruments Act is the recovery of money under the cheque. The offence under Section 138 is not a offence understood in the common parlance. This is quasi criminal proceedings and therefore, there is no reason why the insistence for sentence should be made, particularly because the petitioner has paid the cheque amount of ₹2,00,000/- and the complainant has no grievance about it.

Insofar as the submission made by learned State counsel is concerned, in my opinion, it is not necessary to award any costs to the State Legal Services Authority. Since the State Legal Service Authority has lot of money to spent.

In that view of the matter the instant petition is allowed in terms of compromise and the impugned judgment and orders are set aside.

1st SEPTEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE